

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14CR88RWS(SPM)
)	
DIONNE LAMONT GATLING-1,)	
TIMOTHY LAMONT RUSH-2,)	
ANDRE ALPHONSO RUSH-3,)	
LORENZO RALPH GIBBS-4,)	
)	
Defendants.)	

ORDER CONCERNING JULY 22, 2016 STATUS CONFERENCE

On July 22, 2016, this matter came before the undersigned United States Magistrate Judge for a status conference with counsel only. At the hearing, defense counsel and counsel for the United States reported that the United States has responded to the defendants' so-called *Touhy* requests by indicating that government witnesses defendants intended to present at the *Franks* hearing scheduled for August 1, 2016, would be permitted to testify. However, based on the discussion between the Court and counsel it became apparent that there are several procedural hurdles defendants must clear to ensure that the witnesses appear and, if necessary, are given an opportunity to confer with counsel prior to testifying.

Based on the discussion with counsel at the status conference, I find that the ends of justice are best served by continuing the *Franks* hearing previously scheduled to begin on August 1, 2016, and by vacating all of the associated pre-hearing deadlines. Doing so will allow time for defense counsel to obtain and serve witness subpoenas and allow those witnesses to confer with their own counsel if need be. The Court will hold a follow-up status conference with counsel on August 5, 2016, to establish a new hearing date.

Accordingly,

IT IS HEREBY ORDERED that the Court's Order dated June 17, 2016, setting the

Consolidated *Franks* Hearing for August 1, 2016, and establishing pre-hearing deadlines (Doc. 283), is **VACATED**. The *Franks* Hearing and related pre-hearing deadlines will be reset by a separate order following a status conference with counsel.

IT IS FURTHER ORDERED that there will be a status conference in the courtroom of the undersigned at **10:00 a.m. (CDT) on August 5, 2016.**

Dated July 26, 2016.

A handwritten signature in black ink, appearing to read "Shirley Padmore", followed by a long horizontal line.

SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE